

Notice of Allowability

Application No.

10/648,655

Examiner

Ismael Negron

Applicant(s)

MUNARI, GENO

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination (RCE) filed August 29, 2006.
2. ☒ The allowed claim(s) is/are 1-5, 7-12 and 14-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Response to Amendment

2. Applicant's amendment filed on August 29, 2006 has been entered. Claims 1, 9, 15, 19, 26, and 31 have been amended. No claim has been cancelled, or added. Claims 1-5, 7-12 and 34 are still pending in this application, with claims 1, 9, 15, 19, 26 and 31 being independent.

Allowable Subject Matter

3. Claims 1-5, 7-12 and 34 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant teaches an intermittently activated lighting device having a housing, a light source inside the housing, means for intermittently activating the light source including a button extending from a bottom portion of the housing, and a resilient strap

for removably attaching the housing to a human finger or thumb without activating the light source. The button being in contact with a non-tip portion of the human finger of thumb on which the device is attached. When the light source is activated, a portion of the emitted light is normal to the human finger or thumb. A method of performing an illusion of manipulating a point of light using the intermittently activated lighting device is also claimed.

VAAGENES (U.S. Pat. 4,093,973) and GONG-HWA (U.S. Pat. 5,622,062) discloses an illuminated ring for attachment to a human finger by means of a resilient strap, such ring having a housing including a power source, a light source positioned to emit light normal to the finger, and means for automatically activating the light source when the housing is attached to the finger, such means including a button extending from a bottom portion of the housing and in contact with the finger. However, the cited reference fails to individually disclose, or even suggest, the resilient strap attaching the ring to a finger without activating the light source.

LAMBERT (U.S. Pat. 5,124,892) discloses an illumination device for attachment to a human finger by means of a resilient strap, such device having a housing including a power source, a light source positioned to emit light parallel to the finger, and means for activating the light source, such means including a button extending from a side portion of the housing. However, the cited reference fail to individually disclose, or even suggest, the button being in contact with the finger, or the light source being positioned to emit light normal to the finger.

GRAY (U.S. Pat. 5,653,524) discloses an illumination device for attachment to a human finger by means of a resilient strap, such device having a housing including a power source, a light source positioned to emit light normal to the finger, and means for activating the light source, such means including a button extending from a side portion of the housing. However, the cited reference fail to individually disclose, or even suggest, the button extending from a side portion of the housing and being in contact with the finger.

5. No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the means for automatically activating the light source including a button extending from a bottom portion of the housing and in contact with the finger, the light source not being activated when the device is attached to a human finger by the resilient strap, in combination with the other recited structural limitations of the claimed lighting device and method.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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